

# *Republic of Kenya*

## **EDICT OF GOVERNMENT**

In order to promote public education and public safety, equal justice for all, a better informed citizenry, the rule of law, world trade and world peace, this legal document is hereby made available on a noncommercial basis, as it is the right of all humans to know and speak the laws that govern them.

KS 2367 (2012) (English): Student accommodation –  
Off-campus – Code of practice (Draft Standard)



BLANK PAGE



**Student accommodation – Off-campus  
– Code of practice**

**Public Review Draft – January 2012**

## **TECHNICAL COMMITTEE REPRESENTATION**

The following organizations were represented on the Technical Committee:

Commission for Higher Education  
Kenya Polytechnic University College  
United States International University  
Kenyatta University  
Kenya Institute of Education  
Kiriri Women's University of Science and Technology  
Daystar University  
Strathmore University  
University of Nairobi, Kenya Science Campus  
Maseno University

Kenya Bureau of Standards — Secretariat

## **REVISION OF KENYA STANDARDS**

In order to keep abreast of progress in industry, Kenya Standards shall be regularly reviewed. Suggestions for improvements to published standards, addressed to the Managing Director, Kenya Bureau of Standards, are welcome.

© Kenya Bureau of Standards, 2012

*Copyright. Users are reminded that by virtue of Section 25 of the Copyright Act, Cap. 12 of 2001 of the Laws of Kenya, copyright subsists in all Kenya Standards and except as provided under Section 26 of this Act, no Kenya Standard produced by Kenya Bureau of Standards may be reproduced, stored in a retrieval system in any form or transmitted by any means without prior permission in writing from the Managing Director.*

# **Student accommodation – Off-campus – Code of practice**

**Public Review Draft – March 2012**

## **KENYA BUREAU OF STANDARDS (KEBS)**

**Head Office:** P.O. Box 54974, Nairobi-00200, Tel.: (+254 020) 605490, 602350, Fax: (+254 020) 604031  
E-Mail: [info@kebs.org](mailto:info@kebs.org), Web: <http://www.kebs.org>

### **Coast Region**

P.O. Box 99376, Mombasa-80100  
Tel.: (+254 041) 229563, 230939/40  
Fax: (+254 041) 229448

### **Lake Region**

P.O. Box 2949, Kisumu-40100  
Tel.: (+254 057) 23549, 22396  
Fax: (+254 057) 21814

### **Rift Valley Region**

P.O. Box 2138, Nakuru-20100  
Tel.: (+254 051) 210553, 210555

# DKS 2367: 2012

## Foreword

This Kenya Standard was prepared by the University Education Sub-Committee under the guidance of the Standards Projects Committee, and it is in accordance with the procedures of the Kenya Bureau of Standards.

Most students will need accommodation whilst studying in Kenya, and landlords play a vital role in providing this accommodation. All the educational establishments appreciate that many landlords are doing a good job and provide much needed accommodation for students.

These guidelines are aimed at all student accommodation; it provides recognition to landlords who take a responsible approach to letting their properties. It will also offer a systematic way of identifying and listing properties which meet legal, mandatory requirements of the code and recommended standards.

The aim of this code of practice is to:

- Establish standards for student accommodation.
- Promote awareness of those standards to landlords.
- Encourage and help landlords to meet the standards.
- Help students to choose accommodation meeting the standards.
- Keep disagreements and misunderstanding to a minimum.

During the preparation of this standard, reference was made to the following documents:

The Landlord and tenant Act

The Rent Restriction Act (CAP 296 of the Laws of Kenya)

Estate agents Act

The Occupational Safety and Health Act, 2007

Letting property to students, the 2009-2010 code of best practice for York landlords and students

Acknowledgement is hereby made for the assistance derived from these sources.

## Student accommodation – Off-campus – Code of practice

### 1 Scope

This Kenya Standard is intended to help landlords, students, colleges, universities in matters of student accommodation.

### 2 Normative references

The following referenced documents are indispensable for the application of this Kenya Standard. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

KS 2217-6

#### 3.0 Terms and Definitions

##### 3.1

**Landlord** – a man who rents out a building for accommodation

##### 3.2

**letting** – granting the use of rooms for rent or hire

##### 3.3

**multiple occupation** – to include all shared property with 3 or more occupants (where the occupants are not related).

##### 3.4

**student accommodation** – a room, group of rooms, or building in which student may live or stay:

##### 3.5

**tenancy** – status of or possession as a tenant.

##### 3.6

**multiple occupation** – to include all shared property with 3 or more occupants (where the occupants are not related).

##### 3.7

**Off-campus** – privately owned students accommodation

### 4 Landlord and student management code

The management code aims to help landlords and tenants by promoting good practice and awareness of landlord and student obligations. It reflects a combination of legal requirements and good practice.

#### 4.1 What a student should expect from a landlord

##### 4.1.1 before the letting

- a) The property should not have signs outside advertising it as a student let. Any sign must be removed within 2 weeks of the tenancy being signed.
- b) All details of the property must be clear and accurate.
- c) Prospective tenants must be granted an opportunity to view the property.
- d) No money, deposit or rent should be demanded before the prospective tenant has looked at the terms and conditions of the agreement.



## **DKS 2367: 2012**

- e) Prospective tenants must be provided with a copy of any contract under which the property is to be let. They should then be allowed at least 72 hours in which to seek advice regarding the terms and conditions of the contract. It is essential that they understand the implications of signing a joint tenancy (if applicable) and the possible consequences should one of the group wish to leave partway through the tenancy.
- f) The contract must not contain any clause that contradicts or conflicts with statutory law, common law or this code.
- g) Additional charges for utilities such as gas, water, telephone, electricity must be clearly and specifically detailed in the contract.
- h) A copy of the inventory must be made available to prospective tenants.
- i) The status of ownership of the property must be clear and disclosed.

### **4.1.2 At the start of the tenancy**

- a) The landlord's or managing agent's name, address and telephone number should be provided, along with the appropriate method of contacting them.
- b) Tenants should expect to move into a clean property in good condition, on an agreed date. The property must meet the standards of the scheme at that time.
- c) The landlord must provide one set of keys for each tenant.
- d) On moving in, tenants must be provided with a copy of the inventory for the property, including details of its condition as well as contents and allowed a minimum of 7 days to check that inventory.
- e) The landlord must insure the building. If requested he or she should provide evidence to the student of his Public Liability Insurance. It is recommended that the landlord also insures the house contents excluding the tenant.
- f) Owners/landlords should supply residents with clear written instructions for the safe use of all central appliances, hot water systems and other major electrical appliances.
- g) Information on refuse collection days and recycling facilities should be provided.

### **4.1.3 During the tenancy**

- a) Tenants can expect to enjoy use of the property without undue interruption by the landlord. The landlord should call by appointment for inspections or repairs (unless an emergency makes immediate access necessary). Viewing by prospective tenants should be accompanied.
- b) There should be prompt action by the landlord when repairs are necessary, with appropriate times for repairs discussed and agreed between the tenant and the landlord.
- c) Written receipts must be issued to tenants for all cash payments, such as rent deposits, utility or service charges.
- d) Landlords should respond promptly to any complaint, and where appropriate provide a written response to any correspondence.

### **4.1.4 At the end of the tenancy**

- a) Landlords must give the residents clear written guidance on the arrangements necessary to bring the letting to an end. This should include what is expected about cleaning and the condition of the property.
- b) Landlords must administer deposits efficiently and fairly, using the monies only for the purposes for which they were intended.
- c) Advice on contractual problems for landlords can be sought from the relevant authorities.

## **4.2 What a landlord should expect from student tenants**

### **4.2.1 At the start of the tenancy**

- a) Student tenants should pay the deposit and any advance rent promptly.
- b) They should provide full details of all the tenants – name, institution, course, home address, home telephone number and next of kin. their details
- c) They should sign their agreement on the inventory of the property, preferably on the first day and no



- later than seven days after the tenancy begins.
- d) They should report any repairs or outstanding items to be attended to as soon as possible.
- e) The tenants should take out appropriate possessions insurance.

#### 4.2.2 During the tenancy

- a) They should behave in a reasonable manner, with consideration for neighbours, landlords and owners.
- b) They should be responsible for the behaviour of their visitors to the property.
- c) Tenants should discuss with the landlord any proposed changes of tenancy.
- d) They must pay the rent promptly when due. In the event of genuine difficulties, they should discuss the problem with the landlord.
- e) They should report any necessary repairs and arrange access for inspection, repairs and viewing.
- f) They should take care of the property, its furniture and equipment and pay if necessary for any items damaged by inappropriate behaviour.
- g) They should use fully all security measures provided.
- h) They should use fire detection and protection equipment responsibly, and only for the purpose for which it is intended.
- i) They should bag domestic rubbish and recyclable items and leave them out for collection in the agreed place on the right day which should be displayed by the landlord.

#### 4.2.3 At the end of the tenancy

- a) They must leave the property in the same clean and tidy condition as at the beginning of the tenancy.
- b) They should contact the landlord to arrange an inspection visit, using the inventory to check final condition.
- c) Tenants must leave the property and return all sets of keys by the agreed date.
- d) Beforehand, they must arrange service meter readings, request final bills and leave a forwarding address with utility suppliers.
- e) In the event of any dispute, the scheme requires both parties to discuss and attempt to resolve any differences before resorting to legal remedies.

### 4.3 Equal opportunities

The colleges and universities have a strong commitment to implementing an equal opportunities policy. This means that no person or group of persons shall be treated less favourably than any other person or group of persons because of their gender, race, ethnicity, colour, disability, age, marital status or religion.

## 5 Physical standards

### 5.1 General repair and decoration

#### 5.1.1 Legal and code of practice requirements

Properties must be in a good state of repair and decoration and should meet the following requirements.

- a) They are structurally stable, free from damp which could affect health and free from serious disrepair.
- b) They have adequate lighting, ventilation and adequate piped supply of wholesome water.
- c) There is an effective system for draining foul, waste and surface water.
- d) Landlords must maintain their houses and flats to ensure that the properties are habitable, that essential services and utilities are maintained in good working order and the supply not unnecessarily interrupted, and that relevant standards are maintained at all times.
- e) Landlords must ensure that all common use areas (including all escape routes and exits) are kept free from obstruction and that all staircases, handrails and banisters are in a good state of repair.
- f) Any gardens belonging to the house should be kept in a safe and tidy condition and any boundary walls, fences and railings in as far as they belong to the house are kept and maintained in good and safe repair so as not to constitute a danger to the occupants.

### 5.1.2 Code of practice requirements

- a) Emergency repairs, where there is an imminent risk to health, must be dealt with immediately – preferably within three hours and certainly within 24 hours. Examples of such problems include an internal burst pipe, blocked drains, no water, no electrical system and broken external door locks.
- b) Urgent repairs must be dealt with within three days. An example of this would be an external burst pipe.
- c) Non-urgent repairs must be dealt with within 28 days.
- d) Maintenance and servicing tasks should be planned and timed so as to minimise disruption to tenants, such as gutters and window cleaning.

## 5.2 Gas safety

### 5.2.1 Legal and code of practice requirements

All gas appliances, gas cookers, cylinders and regulators etc must be maintained in a safe condition in accordance with the Gas Safety (Installation and Use) Regulations. An annual Landlords' Gas Safety certificate, issued by a registered engineer, must be provided to the relevant college or university and a copy of the certificate must be given to the tenants to show the date of inspection, any defects and the action taken.

- a. All repairs must be carried out by a registered engineer.
- b. Whenever the landlord is informed about a fault, it must be dealt with immediately.

### 5.2.2 Recommendations

Landlords should be aware that the annual gas safety check does not include servicing of gas appliances, and vice versa.

## 5.3 Electrical safety

### 5.3.1 Legal and code of practice requirements

All inspections of the fixed electrical wiring must be carried out by a competent person authorised by a recognised body to carry out self-certified electrical installations in dwellings and the certificate must be in the format approved by the relevant supervising body. An electrical safety certificate must be renewed at least every five years.

- a) For the purpose of this code a description of a competent electrician and recognised electrical institutions can be found in the appendices.
- b) Any alterations to electrical circuits and fittings carried out between inspections must comply with the regulations that apply to all electrical work in dwellings.
- c) All repairs/improvements must comply with IEE wiring regulations.
- d) At the start of every academic year, a visual check of all electrical items, such as socket outlets, light switches and distribution, must be carried out and any defects put right immediately. The landlord should also always look out for any electrical issues during routine visits to the property.
- e) Students must be issued with clear written instructions for the safe use of all major electrical appliances and all appliances must function safely and in accordance with the manufacturer's instructions.
- f) All appliances supplied by the landlord must be checked regularly for wear and tear and any defects remedied. It is strongly recommended that a Portable Appliance Test (PAT) should be undertaken by a competent person at least once every two years, and a written record maintained. Any safety certificates relating to testing and inspecting of gas appliances and electrical installations should be supplied to the council within 7 days if the council requests it in writing.

### 5.3.2 Recommendations

In order to avoid overloading of electrical circuits, a minimum of two electrical sockets is recommended for each study-bedroom.

## 5.4 Furniture and furnishings

### 5.4.1 Legal and code of practice requirements

All furniture and furnishings provided must comply with the Furniture and Furnishings Fire Safety Regulations. Most fire resistant furniture will carry a display label stating that it meets the requirements for fire resistance. Upholstered articles must generally have fire resistant material. Most cover fabrics must have passed a match resistance test. Filling and cover combined must have passed a cigarette resistance test.

- a) All furnishings and fittings must be clean and in a reasonable condition
- b) All rooms let as bedrooms must contain a bed at least three foot in width, with an adequate mattress.

There must also be reasonable clothes storage space, a desk or working surface and a chair.

## 5.5 Security

### 5.5.1 Code of practice requirements

- a) Locks should be fitted to all ground floor and vulnerable first floor windows, such as those accessible from a flat roof, provided this does not contravene fire safety recommendations and Keys for the locks must be issued to tenants.
- b) If the property has a burglar alarm installed, details of alarm key holders must be made available to the tenants.
- c) All external doors, except for designated fire doors (normally the main front entrance door), must be fitted with mortise bolts, top and bottom, to reinforce the existing lock. Modern, multi-locking UPVC doors would be acceptable. It is likely your building insurance will require this. Doors designated as final exit doors (usually the front door of small premises) must be fitted with fastenings which allow them to be immediately opened from the inside when the premises are occupied, without the use of a key. It is recommended that locks complying to relevant Kenya standards are used for doors with keyless egress.
- d) External doors must be properly fitted and free from damage, well supported by hinges and close fitting into the frame.

### 5.5.2 Recommendations

- a) An optional, but highly recommended addition is security lighting to cover vulnerable areas at the rear of the property. This can either be permanent, or operated by a passive infra-red detector.
- b) Hedges should be trimmed for security.

## 5.6 Amenities

### 5.6.1 Existing code of practice requirements

The amenity standards refer to the cooking, clothes drying areas, washing and toilet facilities available in a

## DKS 2367: 2012

property. These standards must be in place to ensure that a proper standard of hygiene can be maintained.

Each kitchen must be an appropriate size for the number of occupants. It must contain suitable facilities for the storage, preparation and cooking of food. The refrigerator must be of an adequate size to store food for all occupants.

### 5.6.2 Legal Requirements

Landlords should comply with the amenity standards for kitchens and bathrooms.

The prescribed amenity standards refer to the cooking, washing and toilet facilities available in a property. One set of each facility should be provided for each 5 occupants or part thereof. For cooking, one gas or electric cooker must be provided with a minimum of four burners / hobs, oven and grill for each 5 occupants or part thereof. One bath or shower, with hot and cold water supplies and one washbasin with hot and cold water supplies plus one toilet, preferably in a separate compartment, for each 5 occupants or part thereof. These standards must be in place to ensure that a proper standard of hygiene can be maintained. Further information on the required amenity standard can be obtained from City Council.

## 5.7 Room sizes

### 5.7.1 Legal & code of practice requirements

Study-bedrooms must be of an adequate size. Student study-bedrooms should be private, and never act as a general access route by other residents and visitors. If the exit route from a bedroom is via a kitchen or living room, an alternative route must be available.

### 5.7.2 Recommendations

The recommended standard is a minimum of 6.52 metres where there is a separate living room which is not a kitchen/dining area, or 10<sup>2</sup> metres where there is no separate living room.

## 5.8 Fire safety

### 5.8.1 Legal & code of practice requirements

A suitable and sufficient fire risk assessment must cover the following areas:

- a) Measures to reduce the risk of fire breaking out or spreading in the house;
- b) Means of escape from the premises;
- c) Measures for ensuring that the means of escape can be safely and effectively used at all times;
- d) Means for fighting fires on the premises;
- e) Means for detecting fire and giving warning in case of fire on the premises; and
- f) Arrangements for action to be taken in the event of a fire, including the information and notices to be given to the students.

You must carry out a fire-risk assessment identifying any possible dangers and risks this does not need to be written down but we would strongly recommend that you do so. To help you we have provided a risk assessment sheet to help. Annex

- a) Get rid of or reduce the risk from fire as far as is reasonably possible and provide general fire precautions to deal with any possible fire risk left.
- b) Take other measures to make sure there is protection if flammable or explosive materials are used or stored;
- c) Create a plan to deal with any emergency and, in most cases, keep a record of your findings
- d) Review your finding when necessary.

Step 1 – Identify the hazards within the house

You need to identify:

- a) Sources of ignition such as naked flames heaters etc
- b) Sources of fuel such as waste
- c) Sources of oxygen

Step 2 – Identify people at risk

You will need to identify all those people who may be especially at risk such as:

- a) Students and their visitors
- b) Cleaners

Step 3 – Evaluate, remove, reduce and protect from risk

Evaluate the level of risk in your premises. You should remove or reduce any fire hazards where possible and reduce any risks you have identified. For example:

- a) Have a no smoking policy
- b) Remove waste from the staircase
- c) Don't allow bikes and other material to be stored on the staircase

When you have reduced the risk as far as possible, you must assess any risk that is left and decide whether there are any further measures you need to take to make sure you provide a reasonable level of fire safety.

The following minimum fire precautions should be considered;

- a) A clear escape route inside the property which leads directly to a place outside the house. This escape route will normally use the landings, internal staircase and corridors, and all bedrooms must lead directly on to this route unless alternative arrangements have been approved by City Council fire department.
- a. Where the normal route in and out of a property involves passing through a kitchen or living room an alternative route must be kept available.
- b. Early warning is important and the chart outlines standards. These fire precautions give a standard which will ensure that there is not a category 1 hazard.
- c. All properties require a fire blanket in the kitchen and extinguishers are recommended.
- d. All floors of a property should be accessible by a safe staircase. Access by a ladder or unsafe means is not acceptable.

Step 4 – Record, plan, inform and instruct

In addition to the record sheet you have completed you will need to give information and guidance to the students of measures you have taken and where appropriate give them brief instructions as to how to use the equipment you have provided.

Step 5 – Review

You should make sure your fire-risk assessment is up to date. You will need to re-examine your fire risk assessment if you suspect it is no longer valid, such as after a near miss and every time there is a significant change to the level of risk in the house. This could include:

- a. A change in the number of occupants
- b. An extension to the house
- c. A change to the layout of the house

## 5.9 Energy Performance Certificates

### 5.9.1 Code of practice requirements

It is a requirement of the code of practice for a property to have an Energy Performance Certificate, regardless as to whether the accommodation is let on an individual room basis or to a group of students.

The following measures are a minimum requirement for the Code:-

- a. There must be a well-insulated hot water tank, or instant hot water from a combination boiler or gas multipoint water heater.
- b. There must be effective lagging to any pipe work and water tanks in the roof space and to any central heating and hot water pipe work in unheated spaces.

The following additional measures are recommended;

- a. Under-floor insulation where cellar ceiling has been removed.
- b. Cylinder thermostat to any hot water cylinder.
- c. Low energy light bulbs.
- d. Cavity wall insulation.
- e. Energy efficient appliances – fridges and freezers rated A or B.

## 6 Complaints and Non-compliance with code

One of the primary aims of the Code of Best Practice is to provide public recognition for landlords who maintain good standards both within their properties and in their management practices. In order to monitor this, the Code has a complaints and non-compliance procedure.

### 6.1 Categories of non-compliance

Landlords may be considered non-compliant with the code as a result of one of the following.

#### 6.1.1 Persistent minor problems

This category covers persistent minor management problems or persistent minor breaches of the physical standards listed above. Examples of minor breaches:

- a. Failure to repair a broken door, washing machine etc.
- b. Properties not ready at the start of the tenancy
- c. Failure to replace / redecorate as agreed at commencement of letting

#### 6.1.2 Serious management problems

This category covers serious management problems or serious breaches of the physical standards. For example:

- a. Harassment, assault or illegal eviction.
- b. Serious breaches of the physical standards such as failure to deal with or rectify a problem within 24 hours where there is imminent risk to health or safety.

### 6.2 Complaints

- a) A student wishing to make a complaint should try to resolve this directly with the landlord or agent in the first instance. If the complaint is made verbally, the student should follow this up in writing, by email or letter. If the complaint is serious, the student may wish to contact their educational institution initially for advice before a complaint is made. The institution may contact the landlord on the student's behalf.
- b) A landlord receiving a complaint should acknowledge receipt of the complaint and give an indication to the tenant of the action he/she will take to investigate/resolve the problem, including a reasonable timescale. This should be within 7-28 days for minor repairs, depending on the seriousness of the problem. However, serious breaches will require urgent attention.



- c) If a student is not satisfied with the action taken by the landlord or if no action is taken by the landlord within a reasonable timescale, the student should contact their educational institution who will investigate the complaint. As part of this process, the landlord will normally be approached to give their point of view. The landlord will be requested to respond to this request/invitation within seven days. The educational institution will, where possible, offer any support necessary to the landlord to help them comply with the Code and to resolve the complaint.
- d) If, during the investigation, it appears there has been a serious breach of regulations/ legislation, the relevant council/government department may also be informed and they may act independently.
- e) In serious breaches of management or physical standards whereby a student is deemed to be at risk, the above procedures may be bypassed and any issues of non-compliance addressed after the matter has been resolved.

### **6.3 Non-Compliance**

If the educational institution is satisfied that there has been a breach of the Code of Best Practice and the landlord has not resolved the matter within a reasonable time period, the educational institution may decide to remove the landlord or the property from the Code. The landlord will be informed in writing within 10 days of a decision being made. All participating educational institutions will also be informed.

Property removed from the scheme will not be advertised in the Accommodation Offices of any of the Universities or Colleges.

### **6.4 Right of appeal**

Landlords have a right of appeal if they consider the decision to remove them from the Code as being unreasonable. The landlord and the educational institution will be required to submit a written statement and asked to attend a tribunal panel which would comprise of a landlord, a student and an independent person (chair).

### **6.5 Problems with student behaviour**

- a) Problems that cannot be resolved by landlords within a reasonable timescale can be brought to the attention of the relevant educational institution.
- b) The Accommodation Officer will investigate the problem and decide on the most appropriate course of action.
- c) The tenants will be reminded of their obligations under the Code of Best Practice and the possible legal consequences under the Tenancy Agreement or National Environmental Management Authority (for noise nuisance) where appropriate.

### **6.6 Mediation service for landlord and tenant disputes**

The public complains in the institution or an Independent Housing Ombudsman Service offers a means of resolving disputes between landlords and tenants.



Public Review Draft